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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/587,309

04/04/2007

Shaun Hume

312435US

5394

31825 7590 08/05/2009  
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EXAMINER

VERMA, RISHI GOPAL

ART UNIT

PAPER NUMBER

3728

MAIL DATE

DELIVERY MODE

08/05/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                    |  |
|------------------------------|--------------------------------------|------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/587,309 | <b>Applicant(s)</b><br>HUME, SHAUN |  |
|                              | <b>Examiner</b><br>RISHI VERMA       | <b>Art Unit</b><br>4136            |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 7/26/2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/4/2007</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 (b) that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Heylandt (US Pat. # GB 17884A)

Regarding Claim 1. a container having a hollow tubular as illustrated at 13 in Fig.6 and outer body, closed at one end as illustrated at 14 in Fig. 14 and open at the other as illustrated at 16 in Fig. 6, a platform as illustrated at 14 in Fig.6 in the body gimbal as illustrated at 3,11 in Fig. 6 mounted to remain horizontal irrespective of the orientation of the body, and a handle secured to the body at its closed end as illustrated at 11 in fig. 6.

Regarding Claim 2 in which the gimbal on which the body is mounted comprises an outer gimbal ring as illustrated at 3 in Fig. 6 pivotally mounted on the inner surface of the body as illustrated at 14 in fig. 6 and an inner gimbal ring pivotally mounted on the outer gimbal as illustrated at 3 in Fig. 6, the pivot axes being mutually perpendicular page 2,3 (lines 54 -56) and the platform being mounted on the inner gimbal ring as illustrated at 22 in Fig. 6.

Regarding Claim 3, in which the platform is mounted beneath the inner ring as illustrated at 14 in Fig. 6 and by a peripheral walls as illustrated at 13 in Fig. 6, the platform and the peripheral wall forming an inner body.

Regarding Claim 4, in which the inner as illustrated at 14 in Fig. 6 and outer bodies are barrel shaped as illustrated at 13 in Fig 6.

Regarding Claim 5, in which the platform has a bias weight secured to it (line 21-23).

Regarding Claim 6, 7 container's has handle is rigid and flexible as illustrated at 17 in Fig4.

Regarding Claim 8, in which restraining means are associated with the handle to engage the inner body (lines 19-23) and restrain its movement relative to the outer body when the handle is in its carrying position (lines 25-27).

Regarding Claim 9, the restraining means is a pair of legs as illustrated at 17 in Fig.6.

Regarding Claim 10, the restraining means is a cap as illustrated at 16 in Fig.6 which closes the inner body.

#### **Pertinent Prior Art**

1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Pat No. 4989465 and US Pat No.2611973 have been cited as showing other, Container with Gyroscope Mounting.

#### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RISHI VERMA whose telephone number is (571)272-

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1390. The examiner can normally be reached on 7:30-5:00(M - F) alternating Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marvin Lateef can be reached on 571-270-1493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

\*Rishi G Verma  
7/16/2009\*\*

/Marvin M. Lateef/  
Supervisory Patent Examiner, Art Unit 4136